

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PABLO MENDOZA CHAVEZ,

Plaintiff,

v.

KINGS COUNTY JAIL, *et al.*,

Defendants.

Case No. 1:20-cv-00518-JDP

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED AS
DUPLICATIVE OF CASE NUMBERS 1:20-
CV-00471-SKO AND 1:20-CV-00369-EPG

THIRTY-DAY DEADLINE

Plaintiff Pablo Chavez is a pretrial detainee proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff alleges that he is receiving inadequate medical care for his back injury. *See* ECF No. 1.

In two recently filed actions in this district—case numbers 1:20-CV-00471-SKO and 1:20-CV-00369-EPG—plaintiff also alleges similar constitutional violations related to his back injury and pain. But a plaintiff has “no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.” *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977). To see whether an action is duplicative, we “examine whether the causes of action and relief sought, as well as the parties or privies to the action, are the same.” *Adams v. California Dep't of Health Servs.*, 487 F.3d 684, 689 (9th Cir. 2007).

This action appears duplicative: the basic subject matter, defendants, causes of action, and relief sought appear either identical or contain substantial overlap. We will give plaintiff thirty days to show cause why this action should not be dismissed as duplicative.

1 The three actions may have slightly different named defendants or points of emphasis.
2 The court notes, however, that plaintiff may wish to simply amend his complaint in the earliest
3 of the three cases, 1:20-CV-00369-EPG—adding defendants and related claims—and
4 voluntarily dismiss the other two cases. Both the court and the plaintiff will likely benefit from
5 having all of the claims considered in one document and by one judge. Plaintiff may also
6 benefit from limiting his own obligation to pay multiple filing fees for multiple lawsuits.
7 (Here, the court will hold off on deciding plaintiff's motion to proceed *in forma pauperis*—the
8 granting of which would obligate him to pay the fee—until plaintiff responds to this order.)

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10 IT IS SO ORDERED.

11 Dated: April 16, 2020

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13 UNITED STATES MAGISTRATE JUDGE

14 No. 205.
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